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*Attorneys for Stephen S. Gray,  
Not Individually But Solely in his Capacity  
as Chapter 11 Trustee*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

96 WYTHE ACQUISITION LLC,  
  
Debtor.

Chapter 11

Case No.: 21-22108 (SHL)

**NOTICE OF DESIGNATION BY QUADNUM DEVELOPMENT CORPORATION  
OF EXECUTORY CONTRACTS FOR ASSUMPTION AND ASSIGNMENT**

**PLEASE TAKE NOTICE** that on October 21, 2022, Stephen S. Gray, not individually but solely in his capacity as the Chapter 11 trustee (the "Trustee") of 96 Wythe Acquisition LLC (the "Debtor") in the above-captioned chapter 11 case (the "Chapter 11 Case") filed the *Chapter 11 Trustee's Motion for Entry of Orders (I)(A) Approving Bidding Procedures for Sales of the Debtor's Assets; (B) Establishing Procedures to Designate a Stalking Horse Bidder and Enter Into Stalking horse agreement With Bid Protections; (C) Scheduling Auction for and Sale Hearing; (D) Approving Form and Manner of Notice Thereof; (E) Approving Procedures for the Assumption and Assignment of Executory Contracts and Unexpired Leases; and (F) Granting Related Relief; and (II)(A) Approving the Sale Free and Clear of Liens, Claims, Interests, and Encumbrances; (B) Authorizing Assumption and Assignment of Executory Contracts and Unexpired Leases; and (C) Granting Related Relief* [Docket No. 752] (the "Sale Motion"), pursuant to which the Trustee sought to (i) sell substantially all of the Debtor's assets (the "Sale"), (ii) obtain approval of the bidding procedures set forth in Exhibit 1 to the proposed bidding procedures order, which is annexed to the Sale Motion as Exhibit A, and which, among other things, established bidding procedures for the sale of the Debtor's assets (the "Bidding Procedures").

**PLEASE TAKE FURTHER NOTICE** that on November 15, 2022, the United States Bankruptcy Court for the Southern District of New York (the "Court") entered an order approving the Sale Motion [Docket No. 784] (the "Bidding Procedures Order").

**PLEASE TAKE FURTHER NOTICE** that on November 17, 2022, the Trustee filed the *Notice of Proposed Assumption and Assignment of Certain Executory Contracts* [Docket No. 792], which set forth the executory contracts and/or unexpired

leases that the Trustee sought to potentially assume and assign to the Purchaser in connection with the Sale.

**PLEASE TAKE FURTHER NOTICE** that on January 11, 2023, in accordance with the Bidding Procedures, the Trustee filed the *Notice of (I) Trustee's Designation of Successful Bidder; and (II) Filing of (A) Sale and Purchase Agreement with Successful Bidder and (B) Proposed Sale Order* [Docket No. 869], which designated the Quadrum Development Corporation (the "Purchaser") as the "Successful Bidder."

**PLEASE TAKE FURTHER NOTICE** that on January 26, 2023, the Court entered the *Order (A) Approving the Sale Free and Clear of all Liens, Claims, Interests, and Encumbrances; (B) Authorizing Assumption and Assignment of Executory Contracts and Unexpired Leases; and (C) Granting Related Relief* [Docket No. 881] (the "Sale Order"), which, among other things, approving the asset purchase agreement between the Trustee and the Purchaser (the "Purchase Agreement").

**PLEASE TAKE FURTHER NOTICE** that the Sale of the Debtor's assets to the Purchaser pursuant to the Purchase Agreement (the "Closing") is expected to close on or about April 17, 2023.

**PLEASE TAKE FURTHER NOTICE** that, in accordance with the Sale Order, the Purchase Agreement and all other exhibits and annexations to the Sale Order, the Purchaser has designated the Contracts identified on **Exhibit A** annexed hereto as contracts to be assumed and assigned to the Purchaser effective as of the date of the Closing. Promptly after the Closing, the Trustee will file a notice of occurrence of the Closing.

**PLEASE TAKE FURTHER NOTICE** that a copy of each document filed in the above captioned chapter 11 case can be viewed (i) on the Court's website at <https://ecf.nysb.uscourts.gov/> (registered users) or at <http://pacer.psc.uscourts.gov> (unregistered users), and/or (ii) by contacting the Office of the Clerk of the Court. Please note that a PACER password is required to access documents on the Court's Website.

Dated: April 17, 2023  
New York, New York

STEPHEN S. GRAY  
Not Individually But Solely in His  
Capacity as Chapter 11 Trustee  
By His Attorneys,  
TOGUT, SEGAL & SEGAL LLP  
By:

/s/ Frank A. Oswald  
FRANK A. OSWALD  
BRYAN M. KOTLIAR  
One Penn Plaza, Suite 3335  
New York, New York 10119  
(212) 594-5000

**EXHIBIT A TO NOTICE OF DESIGNATION**

**SCHEDULE OF EXECUTORY CONTRACTS AND/OR UNEXPIRED LEASES ASSUMED AND ASSIGNED**

<u>COUNTERPARTY</u>	<u>ADDRESS</u>	<u>DESCRIPTION OF AGREEMENT</u>	<u>CURE AMOUNT</u>
All Purpose Protection Services Inc. / APP Hospitality	35-03 Ditmars Blvd, Astoria, NY 11105	Security services	All Purpose Protection Services Inc. / APP Hospitality
AutoTap Corporation	958 Grand St, Brooklyn, New York 11211	Rental Agreement: Beertap Leases	\$0.00
Coffee Afficionado, LLC	165 Amboy Rd, Morganville, New Jersey 07751	Equipment Loan Agreement: Coffee Provider and Maintenance	\$0.00
County Fire Inc.	100 Beard St, Brooklyn, New York 11231	Central Monitoring Station	\$0.00
County Fire Inc.	100 Beard St, Brooklyn, New York 11231	Annual Alarm Contract	\$0.00
Croker Fire Drill Corporation	235 Brooksite Dr, Hauppauge, New York 11788	Fire Safety Service Agreement: New York City Fire Department (FDNY) Consultant & Provider of Fire Safety Director (FSD) Courses	\$0.00
Hoodz International	731 Fairfield Court, Ann Arbor, Michigan, 48108	Kitchen Exhaust Cleaning Service Agreement: Commercial Kitchen Hood Cleaning Service Provider	\$0.00
Hoodz International	731 Fairfield Court, Ann Arbor, Michigan, 48108	Annual System Inspection	\$0.00
Icesurance, Inc.	One Bala Plaza, Suite 622 Bala Cynwyd, Pennsylvania 19004	Rental Agreement: Ice Machine Lease	\$0.00
John Mini Distinctive Landscapes	250 Brenner Drive Congers, NY 10920	Landscaping Agreement	\$0.00

<u>COUNTERPARTY</u>	<u>ADDRESS</u>	<u>DESCRIPTION OF AGREEMENT</u>	<u>CURE AMOUNT</u>
Moviebeam by Valuable Technologies Inc.	440, Sylvan Ave Ste 170, Englewood, Cliffs, New Jersey, 07632-2723	Service Agreement: TV Management Provider	\$0.00
Nexplay Consulting Inc.	3435 Wilshire Blvd., 14th Floor Los Angeles, CA 90010	Master Consulting Services Agreement: Opera Technical Support	\$0.00
Onyx CenterSource	INSUR Bldg. Diego Martínez Barrio 10, 4th floor 41013 Seville Spain	Commissions Service Agreement	\$0.00
Open Table Inc.	1 Montgomery St Ste 700, San Francisco, California 94104	Client Agreement: Restaurant Reservations	\$0.00
Overall Murals Inc.	874 Kent Ave. #1, Brooklyn, New York 11205	Mural Lease Agreement: Outside Wall Mural Lease	\$0.00
Phoenix Sutton Str. Inc.	128 Sutton Street Brooklyn, New York 11222	Sidewalk Shed	\$0.00
Pro-Tek of New York Inc.	202 Terminal Dr, Plainview, New York 11803	Equipment Maintenance Agreement: Kitchen Equipment Maintenance	\$0.00
Resort Pass Inc.	321 Santa Monica Blvd, Santa Monica, California 90401	Rooftop Pool Bookings	\$0.00
Santec Inc.	1420 East Linden Avenue Linden, New Jersey 07036	Customer Agreement: Kitchen Cleaning Supplies/Maintenance	\$0.00
Scent Air Technologies LLC	3810 Shutterfly Rd, Charlotte, North Carolina 28217	Environmental Service Agreement: Ozone Machines	\$0.00

<u>COUNTERPARTY</u>	<u>ADDRESS</u>	<u>DESCRIPTION OF AGREEMENT</u>	<u>CURE AMOUNT</u>
Spectrum Enterprise	12405 Powerscourt Drive St. Louis, MO 63131	TV Provider	\$0.00
Target Exterminating Inc.	79-11 69th Dr Middle Village, New York 11379	Exterminator	\$0.00
Trip Advisor, Inc.	400 1st Avenue, Needham, Massachusetts 02494	Business Advantage Subscription	\$0.00
White Plains Linen	4 John Walsh Blvd, Peekskill, NY 10566	Linen Supply Agreement: F&B Linen Laundry	\$0.00